

**REMARKS**

Claims 1, 2, 15, 30 and 31 are currently pending in this application. Claims 1 and 15 have been amended and no new claims have been added.

**Claim Rejections under 35 U.S.C. § 112**

The Examiner rejects claims 1, 2, 15, 30 and 31 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Claims 1 and 15 have been amended in order to overcome the confusion the Examiner has regarding the following claim language “registering unique data to specify each product-in-circulation delivered to a service receiver and expiring date data of the product-in-circulation in a terminal”.

Moreover, the Examiner appears to be confused as to what an “account” is. However, it appears from the claim language that the meaning of account is self-explanatory, furthermore, “account” is defined in claims 30 and 31. Thus, it is respectfully requested that this rejection be withdrawn.

**Claim Rejections under 35 U.S.C. § 101**

The Examiner rejects claims 1, 2, and 30 under 35 U.S.C. § 101. The Examiner asserts that based on recent Supreme Court and Federal Court decisions, a process must be tied to a particular machine or transform underlying subject matter to a different state or thing. Moreover, the Examiner asserts that claims should positively recite the particular machine to which it is tied, or positively recite the subject matter that is being transformed. The Examiner states that the methods steps are not tied to a particular machine and do not perform a transformation. These rejections are respectfully traversed.

Applicants have amended independent claims 1 and 15, based on the specification on page 60, to recite “a terminal” in the preamble as well as in the body of the claims. Thus it is respectfully requested that this rejection be withdrawn.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejects claims 1, 2, 15, 30 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Szabo et al. ( “Szabo”, U.S. 6,963,851) in view of Suzuki et al. (“Suzuki”, JP 07-325514) and Seber et al. ( “Seber”, U.S. 6,233,410). These rejections are respectfully traversed.

Independent claim 1 recites, *inter alia*, “the terminal registering (i) unique data to specify each product-in-circulation delivered to a service receiver and (ii) expiring date data of the product-in-circulation, each of the delivered product-in-circulation being not yet purchased by the service receiver”. Independent claim 1 also recites, *inter alia*, “the terminal calculating an account of the product-in-circulation recognized as the purchase action, out of products-in-circulation delivered to the service receiver”. Independent claim 15 recites, *inter alia*, “registering unique data to specify each product-in-circulation delivered to a service receiver . . . recognizing the use of the product-in-circulation as a purchase action”.

The amendments to independent claims 1 and 15 clarify that *each* product-in-circulation delivered to a service receiver is *not yet purchased*. Moreover, a service receiver is *charged* only with a product-in-circulation that was *actually used*. The claimed invention is distinguished over the references applied, specifically Szabo in view of Suzuki and Seber, in which a usable product on a user site is already purchased by the user.

For at least the reasons stated above, independent claims 1 and 15 are patentably distinct from Szabo, Suzuki and Seber. Claims 2, 30 and 31 are at least allowable by virtue of their dependency on corresponding allowable independent claim.

Accordingly, it is respectfully requested to withdraw this obviousness rejection of claims 1, 2, 15, 30 and 31 based on Szabo, Suzuki and Seber.

**CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata, Reg. No. 39,491, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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